

very recent law. He had not heard of it. A gentleman (Mr. Spencer) had told him of the case of a man who could not get a trustee for the purpose of settling up his estate, and because he was unable to do that he was imprisoned nine months without an allegation being offered against him.

Mr. SPENCER said the case was this, and it occurred in Queen Anne's Co.: that in the course of last year, a man named Steele was arrested under a *ca. sa.* The debt was contracted in Philadelphia. A great variety of questions of law arose, as to the legality of the process. The best legal talent in that section of the state was employed in investigating and arguing the matter. Finally, the man was sent to prison, and remained incarcerated for many months, because he could not obtain a trustee, and give security for his appearance. He, at length, succeeded in getting a trustee. No question of fraud arose in the proceedings; he could not get his discharge because he could not obtain a trustee. There are now questions of fraud arising out of the case, to be determined on his application for a final discharge.

Mr. W. C. JOHNSON remarked that, if there were crimes and offences, violent frauds or perjuries committed, the legislature would have full and ample jurisdiction over the subject, designating what should be a crime, and what should not. Those offences could be tried before a court, and pronounced upon by a jury. They could define and say what should be a crime, and that crime could be brought against a man, and he be tried by his peers, and convicted, if it was necessary he should be. But he was unwilling to trust the legislature with the power to imprison a man merely for a matter of debt, and therefore he would vote against a reconsideration. He would withdraw the motion he had made, to lay the subject on the table, and call for a direct vote on the motion to reconsider.

Mr. W. C. JOHNSON demanded the yeas and nays, which being ordered and taken, resulted as follows:

Affirmative—Messrs. Chapman, Pres't, Ricaud, Donaldson, Dorsey, Wells, Howard, Dickinson, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, McCullough, Miller, Wright, McMaster, Hearn, Fooks, Jacobs, Davis, Waters and Shower—24.

Negative—Messrs. Blakistone, Dent, Hopewell, Lee, Mitchell, Randall, Dalrymple, Buchanan, Lloyd, John Dennis, James U. Dennis, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer; Grason, George, Dirickson, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Cockey and Brown—51.

So the Convention refused to reconsider their vote.

On motion of Mr. BUCHANAN, it was

Ordered, That it be entered on the Journal,

that Mr. Welch is detained from his seat in the Convention by indisposition.

REPORT OF THE COMMITTEE ON THE JUDICIARY.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the Committee on the Judiciary.

The question pending on Saturday before the Convention, being on the amendment offered by Mr. Spencer.

Mr. BROWN moved the Convention reconsider their vote of Saturday, rejecting the amendment offered by Mr. Michael Newcomer, as the 10th section of the report.

Mr. BROWN demanded the yeas and nays, which were ordered,

On motion of Mr. CRISFIELD,

The Convention was called.

On motion of Mr. BROWN,

Further proceedings under the call were dispensed with.

The yeas and nays were then taken, and resulted as follows:

Affirmative—Messrs. Morgan, Blakistone, Hopewell, Dorsey, Howard, Lloyd, Dickinson, Hicks, Hodson, Goldsborough, Eccleston, Miller, Grason, George, Hearn, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Holliday, Slicer, Smith, Parke, Shower, Cockey and Brown—45.

Negative—Messrs. Chapman, President, Dent, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Dalrymple, Bond, Jennifer, Buchanan, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, McHenry, Magraw, Kilgour, Brewer and Anderson—33.

So the Convention reconsidered their vote.

The question then recurred on the adoption of the 10th section.

Mr. JOHN NEWCOMER then moved to reconsider the vote of the Convention on the section, striking out "three judges," and inserting "one judge."

Mr. JOHN NEWCOMER demanded the yeas and nays, which, being ordered and taken, resulted as follows.

Affirmative—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Bond, Jennifer, Buchanan, John Dennis, James U. Dennis, Dashiell, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, McHenry, Magraw, John Newcomer, Kilgour, Brewer, Anderson, Weber, Fitzpatrick, Smith and Parke—33.

Negative—Messrs. Morgan, Blakistone, Dent, Hopewell, Dorsey, Wells, Randall, Sellman, Dalrymple, Howard, Lloyd, Dickinson, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Nelson,